

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO:**

JACQUELYN KUREK)
)
)
 Plaintiff,)
)
)
 vs.)
)
)
 ADMIN RECOVERY, LLC.)
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)
)
 Defendant.)

COMPLAINT

INTRODUCTION

1. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Minnesota, personal jurisdiction is established.

4. Venue in the United States District Court is proper under 28 U.S.C. § 1331(b)(1).

PARTIES

5. Plaintiff is a natural person residing in St. Joseph, Stears County, Minnesota.

6. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

7. Defendant is a collection agency with its principal place of business in Williamsville, New York.

8. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. At all times relevant to this Complaint, Defendant has acted though its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in the District of Minnesota.

FACTUAL ALLEGATIONS

10. In or around April of 2012, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt, with internal file number 255476. *See* transcribed voicemail message attached hereto as Exhibit A.

11. Plaintiff's alleged debt owed arises from transactions used for personal, family, and household purposes.

12. Defendant called Plaintiff's telephone numbers 269-982-19XX & 269-369-28XX.

13. In or around April of 2012, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. *See* Exhibit A.

14. In the voicemail message, Defendant's representative failed to

meaningfully disclose the nature of the call or state that the call was from a debt collector. *See Exhibit A.*

15. In the voicemail message, Defendant's representative directed Plaintiff to call him back at 1-855-282-7823, and reference file number 255476, which is a number that belongs to Defendant. *See Exhibit A.*

COUNT ONE:
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.

14. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- b. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- a. Statutory damages pursuant to 15 U.S.C. § 1692k;

- b. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- c. Awarding such other and further relief as may be just, proper and equitable.

Dated: August 28, 2012

KROHN & MOSS, LTD

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF Minnesota)
COUNTY OF Stearns) ss.

Plaintiff, JACQUELYN KUREK
having first been duly sworn and upon oath, deposes and says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Jacquelyn Kurek 4-26-12
JACQUELYN KUREK

EXHIBIT A

Jacquelyn, (unintelligible) with Admin Recovery, uh, just following up, uh, in regards to (unintelligible), uh, if you could give me a call back at your earliest convenience, just following up making sure that you did receive the settlement offer, my number again 855-282-7283, my direct extension is 248. When calling in please refer to file 255476.